

surface, having at least one ruptured cell, and having a thickness of about 86 to about 265 microns, and wherein the foam layer has breathability in a direction perpendicular to a major surface of the foam, and wherein the second layer comprises a polymeric material that is ruptured at, or near, the site of ruptured cells in the foam layer.

29. (once amended) An article comprising a breathable three layer ABA structure, wherein the B layer is a breathable thermoplastic foam having at least one major surface, having at least one ruptured cell, and having a thickness of about 86 to about 265 microns, and wherein the B layer has breathability in a direction perpendicular to a major surface of the foam, and wherein the A layers comprise an unfoamed material that is ruptured at, or near, the site of ruptured cells in the foam layer.

34. (once amended) An article comprising a breathable foam layer formed by extruding a pressure sensitive adhesive polymer mixed with at least one blowing agent, the foam layer further having at least one major surface and having breathability in a direction perpendicular to a major surface.

A version of the claims showing the changes made is attached hereto.

### REMARKS

Claims 1-35 are pending in the application. Claims 1-12 and 18-24 are withdrawn from consideration. Claims 13-17 and 25-35 are rejected. Claim(s) 13, 25, 29, and 34 are hereby amended. Support for the amendment to claims 25 and 29 appears in the specification, for example, at page 10, lines 24-25. Support for the amendment to claims 13 and 34 appears in the specification, for example, at page 5, line 28 to p. 6, line 3. Support for the modification of "porous" to "breathable" in the claims appears in the specification at p. 3, lines 1-3.

### REJECTIONS

#### 35 U.S.C. 102(e) - Walther (U.S. 5,905,097)

Claims 13, 15, 16, 34 and 35 are rejected as being anticipated by Walther (U.S. 5,905,097).

The Office Action states, in part, that Walther is directed to the production of breathable foams comprised of styrenebutadiene block copolymers. This reads on Applicant's specific thermoplastic, amorphous polymer and Applicant's foam layer comprised of a